

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4713**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KENDRICK SHAFER DOAKES,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Chief District Judge. (CR-03-59)

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Submitted: May 27, 2004

Decided: June 2, 2004

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Before WIDENER, MICHAEL, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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James Edward Quander, Jr., JAMES E. QUANDER, Winston-Salem, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Angela H. Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kendrick Shafer Doakes pled guilty to attempted interference with interstate commerce by robbery and discharging a firearm during a crime of violence. Doakes' attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Although counsel states there are no meritorious issues for appeal, he challenges the district court's categorization of Doakes as a career offender based, in part, upon a previous state conviction for possessing a weapon of mass destruction, specifically a sawed-off shotgun. Doakes was informed of his right to file a supplemental brief, but he has not done so.

Doakes asserts that his previous firearm possession conviction was not a crime of violence under U.S. Sentencing Guidelines Manual § 4B1.1(a) (2002) (career offender guidelines).<sup>\*</sup> However, as counsel concedes, we found otherwise in United States v. Johnson, 246 F.3d 330, 335 (4th Cir. 2001), which specifically held that "possession of a sawed-off shotgun is a crime of violence under USSG § 4B1.1 because the possession of such a weapon always creates a serious potential risk of physical injury to another." Thus, the district court did not err in sentencing Doakes as a career offender.

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<sup>\*</sup>Doakes does not challenge the use of his other predicate conviction.

In accordance with Anders, we have reviewed the entire record in this case, including the Fed. R. Crim. P. 11 hearing and sentencing transcripts, and have found no meritorious issues for appeal. We, therefore, affirm Doakes' convictions and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court to withdraw from representation at that time. Counsel's motion must state that a copy thereof was served on Doakes. We dispense with oral argument, because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED